

REMARKS

Claims 1-4, 6-9, 11-16 and 18-19 are pending in the above-identified patent application. Reconsideration of the application is respectfully requested in view of the remarks set forth below.

The Office Action asserts that the present application currently names joint inventors. This is incorrect as Dr. Aftab Alam is the only inventor. Acknowledgement that the Patent Office recognizes only Dr. Alam as the inventor is respectfully requested.

The Office Action rejects claims 1-4, 6-9, 11-16 and 18-19 under 35 U.S.C. 103(a) as being obvious over Kedar et al. (U.S. Patent No. 6,045,325) in view of Shepel (U.S. Patent No. 4,317,726) and in further view of Schellenberger et al. (U.S. Patent No. 6,306,578). This rejection is traversed.

The present invention describes a reservoir-rack having “**positions for the reservoir** (i.e the through holes) **asymmetrically placed**”, see fig 5 A-E. Hence, rotation of the reservoir-rack will alter the footprints of the “positions for the reservoir” on the membrane directly below it.

Neither Kedar et al. nor Shepel teach or suggest such a reservoir-rack having such asymmetrical placed positions.

The Office Action incorrectly asserts that “Schellenberger teaches microtiter plate/testing plate (12) [and according] to Figure 1, it appears the reservoir rack (12) has asymmetrical pattern of positions” (see the last two lines of page 3 of the Office Action).

First, Schellenberger et al. Figure 1 does not show, teach or suggest a reservoir rack. On the contrary, the Schellenberger et al. specification clearly states that the “testing plate 12...[has] a plurality of through holes 18” (column 3, lines 42-44). There is

no reservoir-rack, let alone any reservoir-rack that has an asymmetrical pattern of positions into which the reservoir can be placed, as required by the present claims. Schellenberger et al. further contains no teaching or suggestion to modify their structure to include such “racks.”

Second, the plurality of through holes are clearly in a **symmetrical** pattern, not an **asymmetrical** (not symmetrical) pattern, as required by the present claims.

Third, contrary to the assertion on page 3 of the Office Action, the cited prior art is not utilized for a microtiter plate. The device of the prior art is utilized by submersion in test solution and test solution is drawn into the plurality of through holes.

Thus, as elements of the present claims, including a reservoir-rack that has positions in an **asymmetrical** (not symmetrical) pattern into which the reservoir can be placed, are missing from the teachings of Kedar, Shepel and Schellenberger et al., it is respectfully submitted that the presently claimed invention would not have been obvious over the combination of Kedar, Shepel and Schellenberger et al.

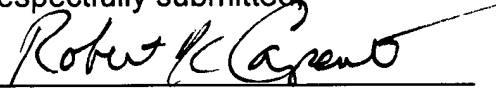
For at least the above reasons, the presently claimed invention would not have been obvious over any of the applied references, alone or in any combination. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. 103(a).

In view of the above amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly solicited. Should the Examiner believe anything further is desirable in order to place this application in even better condition for

allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

In the event this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to Counsel's Deposit Account 01-2300, referring to client-matter number 108904-00004. Thus, please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, making reference to Attorney Docket No. 108904-00004.

Respectfully submitted,

A handwritten signature in cursive script, reading "Robert K. Carpenter", written over a horizontal line.

Robert K. Carpenter
Registration No. 34,794

Customer No. 004372
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 Connecticut Avenue, N.W., Suite 400
Washington, D.C. 20036-5339
Tel: (202) 857-6000
Fax: (202) 638-4810